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*Attorneys for Plaintiff,  
Christopher Hutchison*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Christopher Hutchison,  
  
Plaintiff,

vs.

Experian Information Solutions, Inc., an  
Ohio corporation;  
Educational Credit Management Corp.,  
a foreign corporation; and  
Midland Funding, LLC, a  
foreign L.L.C.

Defendants.

Case No.:

**COMPLAINT**

**JURY TRIAL DEMAND**

1 NOW COMES THE PLAINTIFF, CHRISTOPHER HUTCHISON, BY AND  
2 THROUGH COUNSEL, Nicholas Nowicki, and for his Complaint against the  
3 Defendants, plead as follows:  
4

5 **JURISDICTION**

- 6  
7 1. This court has jurisdiction under the Fair Debt Collection Practices Act 15  
8 U.S.C. §1692 *et seq.*, (“FDCPA”), the Fair Credit Reporting Act, 15 U.S.C.  
9 §1681 *et. seq* (“FCRA” ), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.  
10

11 **VENUE**

- 12  
13 2. The transactions and occurrences which give rise to this action occurred in the  
14 Town of Queen Creek, Maricopa County, Arizona.  
15  
16 3. Venue is proper in the District of Arizona, Phoenix Division.

17 **PARTIES**

- 18 4. The Defendants to this lawsuit are:  
19  
20 a. Experian Information Solutions, Inc. (“Experian”), an Ohio corporation  
21 that maintains a registered agent in Maricopa County, Arizona;  
22  
23 b. Educational Credit Management Corp. (“ECMC”), which, upon  
24 information and belief, maintains its offices in Minnesota; and  
25  
26 c. Midland Funding, LLC (“Midland”), a foreign L.L.C. that maintains a  
27 registered agent in Maricopa County, Arizona.  
28

**GENERAL ALLEGATIONS**

5. Defendant ECMC is attempting to collect four consumer type debts allegedly owed by Plaintiff to Bank One Education Finance Group. They are listed as follows:
  - d. Account Number: 889135XXXX, in the amount of \$3,229.00;
  - e. Account Number: 889135XXXX, in the amount of \$3,552.00;
  - f. Account Number: 889135XXXX, in the amount of \$960.00; and
  - g. Account Number 889135XXXX, in the amount of \$4,529.00
2. Defendant Midland is attempting to collect a consumer type debt allegedly owed by Plaintiff to Barclays Bank. The account number is 855692XXXX with a balance of \$6,784.00.
3. On or about March 11, 2015, Mr. Hutchison obtained his credit files and noticed the above alleged debts listed as trade lines (“Errant Trade Lines”) reported by ECMC and Midland Funding.
4. On or about March 24, 2015, Mr. Hutchison submitted letters to Experian, Trans Union, and Equifax (“Credit Reporting Agencies” or “CRAs”), disputing the Errant Trade Lines reported by ECMC and Midland Funding.
5. On or about April 7, 2015, Mr. Hutchison received a letter from Experian stating that it had received a suspicious request and that it would not be initiating any disputes based on the suspicious correspondence. Experian

1 further stated that it would apply this same policy to any further suspicious  
2 requests that it would receive, in violation of the FCRA.  
3

4 6. On or about August 7, 2015, Mr. Hutchison obtained his Equifax and Trans  
5 Union credit files. These showed that Defendant ECMC only reported the  
6 alleged debt with account number 889135XXXX in the amount of \$4,529.00 as  
7 disputed.  
8

9 7. The remaining three ECMC trade lines do not state "Consumer Disputes" on  
10 Mr. Hutchison's Equifax and Trans Union credit files, in violation of the  
11 FDCPA.  
12

13 8. Mr. Hutchison's Equifax and Trans Union credit files dated August 7, 2015  
14 further showed that Midland Funding failed to report the word "disputed" on its  
15 trade line with account number 855692XXXX, in violation of the FDCPA.  
16  
17

18 **COUNT I**  
19 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT BY**  
20 **DEFENDANT EXPERIAN**

21 9. Plaintiff realleges the above paragraphs as if recited verbatim.

22 10. Defendant Experian prepared, compiled, issued, assembled, transferred,  
23 published and otherwise reproduced consumer reports regarding Mr. Hutchison  
24 as that term is defined in 15 USC 1681a.  
25

26 11. Such reports contained information about Mr. Hutchison that was false,  
27 misleading, and inaccurate.  
28

1 12.Experian negligently failed to maintain and/or follow reasonable procedures to  
2 assure maximum possible accuracy of the information it reported to one or  
3 more third parties pertaining to Mr. Hutchison, in violation of 15 USC  
4 1681e(b).

5  
6 13. After receiving Mr. Hutchison's consumer disputes to the Errant Trade Lines,  
7 Experian negligently failed to conduct a reasonable reinvestigation as required  
8 by 15 U.S.C. 1681i.

9  
10 14.As a direct and proximate cause of Experian's negligent failure to perform its  
11 duties under the FCRA, Mr. Hutchison has suffered actual damages, mental  
12 anguish and suffering, humiliation, and embarrassment.

13  
14 15.Experian is liable to Mr. Hutchison by reason of its violation of the FCRA in an  
15 amount to be determined by the trier fact together with his reasonable attorneys'  
16 fees pursuant to 15 USC 1681o.

17  
18  
19  
20 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
21 against Experian for actual damages, costs, interest, and attorneys' fees.

22  
23 **COUNT II**  
24 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
25 **BY DEFENDANT EXPERIAN**

26 16.Plaintiff realleges the above paragraphs as if recited verbatim.  
27  
28

1 17. Defendant Experian prepared, compiled, issued, assembled, transferred,  
2 published, and otherwise reproduced consumer reports regarding Mr. Hutchison  
3 as that term is defined in 15 USC 1681a.  
4

5 18. Such reports contained information about Mr. Hutchison that was false,  
6 misleading, and inaccurate.  
7

8 19. Experian willfully failed to maintain and/or follow reasonable procedures to  
9 assure maximum possible accuracy of the information that it reported to one or  
10 more third parties pertaining to Mr. Hutchison, in violation of 15 USC  
11 1681e(b).  
12

13 20. After receiving Mr. Hutchison's consumer disputes to the Errant Trade Lines,  
14 Experian willfully failed to conduct a reasonable reinvestigation as required by  
15 15 U.S.C. 1681i.  
16

17 21. As a direct and proximate cause of Experian's willful failure to perform its  
18 duties under the FCRA, Mr. Hutchison has suffered actual damages, mental  
19 anguish and suffering, humiliation, and embarrassment.  
20

21 22. Experian is liable to Mr. Hutchison by reason of its violations of the FCRA in  
22 an amount to be determined by the trier of fact together with his reasonable  
23 attorneys' fees pursuant to 15 USC 1681n.  
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**COUNT III**  
**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT AS TO**  
**DEFENDANTS ECMC AND MIDLAND**

a. 15 U.S.C. §1692e(8) by failing to communicate that a disputed debt is disputed. Defendants did this when they failed to properly communicate on Mr. Hutchison's Equifax and Trans Union credit files that the above listed Errant Trade Lines were disputed.

1 28. The Plaintiff has suffered economic, emotional, general, and statutory damages  
2 as a result of these violations of the FDCPA.

3  
4 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
5 against Defendants ECMC and Midland for actual damages, costs, interest, and  
6 attorneys' fees.  
7

8 **DEMAND FOR JUDGMENT RELIEF**

9  
10 Accordingly, Plaintiff requests that the Court grant him the following relief against  
11 Defendants ECMC and Midland:

- 12 a. Actual damages;  
13  
14 b. Statutory damages; and  
15  
16 c. Statutory costs and attorneys' fees.

17 **JURY DEMAND**

18 Plaintiff hereby demands a trial by Jury.

19 DATED: November 19, 2015

McDonough & Nowicki PLLC

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21  
22 By: /s/ Nicholas R. Nowicki

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